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In re Application of:  
STRAEHLER, Reto  
U.S. Application No.: 10/590,444  
PCT No.: PCT/CH2004/000724  
International Filing Date: 08 December 2004  
Priority Date: 24 March 2004  
Atty Docket No.: 129203  
For: DEVICE FOR HOLDING THE  
HEAD OF A TOOTHBRUSH

DECISION

This decision is issued in response to the "Request For Corrected Filing Receipt" filed 08 April 2009, treated herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date. No petition fee is required.

**BACKGROUND**

On 30 May 2007, applicants filed international application PCT/CH2004/000724. The international application claimed a priority date of 24 March 2004, and it designated the United States. On 29 September 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 24 September 2006.

On 24 August 2006, applicant filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee and an English translation of the international application.

On 14 March 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 09 April 2007, applicants filed a response to the Notification Of Missing Requirements that included an executed declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date.

On 10 July 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C.

371 Requirements" as 23 April 2007. Also on 15 April 2009, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 23 April 2007.

On 08 April 2009, applicants filed the "Request For Corrected Filing Receipt" considered herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date.

### DISCUSSION

A review of the application file confirms that the executed declaration that completed the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) was originally filed herein on 09 April 2007. The correct 35 U.S.C. 371(c) date for the present application is therefore 09 April 2007, as asserted by applicant in the present submission.

Based on the above, the Notification Of Acceptance (Form PCT/DO/EO/903) mailed 10 July 2007, which incorrectly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 23 April 2007 is appropriately vacated. In addition, the filing receipts mailed herein, which incorrectly identified the 35 U.S.C. 371(c) date as 23 April 2007, are also appropriately vacated.

A corrected Notification Of Acceptance and filing receipt will be issued which properly identify the 35 U.S.C. 371(c) date as 09 April 2007.

### CONCLUSION

The petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date is **GRANTED**.

The Notification Of Acceptance (Form PCT/DO/EO/903) mailed 10 July 2007, which incorrectly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 23 April 2007, and the subsequently mailed filing receipts (which also incorrectly identified the 35 U.S.C. 371(c) date as 23 April 2007) are hereby **VACATED**.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the issuance of a corrected Notification of Acceptance (Form PCT /DO/EO/903) and filing receipt which properly identify the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 09 April 2007.



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